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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 UNITED STATES OF AMERICA,)
08 Plaintiff,) Case No. CR06-0418-RSM
09 v.) SUMMARY REPORT OF U.S.
10 BRIAN ELLIS NEAL,) MAGISTRATE JUDGE AS TO
11 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
12 _____)

13 An initial hearing on a petition for violation of supervised release was held before the
14 undersigned Magistrate Judge on November 20, 2006. The United States was represented by
15 Assistant United States Attorney Jim Lord, and the defendant by Ms. Carol Koller. The
16 proceedings were recorded on cassette tape.

17 The defendant had been charged and convicted of Possession with Intent to Distribute
18 a Controlled Substance in violation of 21 U.S.C. § 841(a)(1). On or about February 6, 2006,
19 defendant was sentenced by the Honorable William Fremming Nielsen, Senior United States
20 District Judge for the Eastern District of Washington, to a term of eighteen (18) months in
21 custody to be followed by two (2) years of supervised release.

22 The conditions of supervised release included the requirements that the defendant comply
23 with all local, state, and federal laws, and with the standard conditions. Special conditions
24 imposed included, but were not limited to, participation in a treatment program for substance
25 abuse, financial disclosure, mandatory drug testing, no possession of firearms or destructive
26 devices, consent to search and seizure, abstinence from alcohol, and payment of a special

assessment at a rate of no less than 10% of defendant's income.

In a Petition for Warrant or Summons and a Violation Report and Request For Warrant, both dated November 16, 2006, U.S. Probation Officer Michael J. Larson asserted the following violations by defendant of the conditions of his supervised release:

(1) Failing to report to the probation office as instructed for drug testing on October 30, 2006, in violation of the special condition number 16.

(2) Using cocaine on or before November 6, 2006, in violation of standard condition number 7 and special condition number 16.

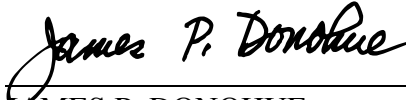
(3) Failing to reside in a residential re-entry center (RRC) program for up to 180 days by failing to abide by the rules and requirements of the facility, in violation of special condition number 17.

The defendant was advised of the allegations and advised of his rights. Defendant admitted to the violations, and waived any rights to an evidentiary hearing as to whether they occurred.

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as to violations 1, 2, and 3, and that the Court conduct a hearing limited to disposition. A disposition hearing has been set before the Honorable Ricardo S. Martinez on December 1, 2006, at 1:00 p.m.

Pending a final determination by the Court, the defendant has been detained.

DATED this 21st day of November, 2006.


JAMES P. DONOHUE
United States Magistrate Judge

cc:	District Judge:	Honorable Ricardo S. Martinez
	AUSA:	Mr. Jim Lord
	Defendant's attorney:	Ms. Carol Koller
	Probation officer:	Mr. Michael Larson